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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,809	08/04/2004	Ryan D. Tasma	SIE04 P-112A	4808

28101 7590 07/20/2006

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EXAMINER
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NICHOLSON III, LESLIE AUGUST

ART UNIT	PAPER NUMBER
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3651

DATE MAILED: 07/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/710,809	<b>Applicant(s)</b> TASMA ET AL.	
	<b>Examiner</b> Leslie A. Nicholson III	<b>Art Unit</b> 3651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-12, 15-34, 51-63 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-12, 19-32, 34, 51-56, 58-62 is/are rejected.
- 7) ☐ Claim(s) 15-18, 33, 57 and 63 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments and Amendments***

1. All previous objections to the claims and drawings are hereby withdrawn.

Applicant's arguments have been fully considered.

Applicant's arguments regarding claim 1 have not been found to be persuasive.

Troupos discloses the use of motorized rollers in ¶0043. Motorized rollers are well known in the art of power-driven conveyors. Therefore, simply replacing a driven roller with a motorized roller is not novel.

Applicant's arguments with respect to claim 19,51 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments regarding claims 15-17,31-33,57 in view of Tassi USP 4,019,623 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments regarding claims 18,34,54,55,58,59 in view of Troupos 2002/0092734 and Itoh 6,360,869 have been considered but have not been found to be persuasive. The motor-installed roller is mounted to a movable portion. Every individual part of the device is movable.

### ***Claim Objections***

2. Claims 15-18 objected to under 37 CFR 1.75(c) as being in improper form because claims 15-18 are dependent upon cancelled claim 14. Accordingly, claims 15-18 have not been further treated on the merits.

***Claim Rejections - 35 USC § 102 / 103***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4,7,8,11,12 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Troupos USPub 2002/0092734

Troupos discloses a similar roller conveyor comprising:

- A pair of opposite sidewalls (26,28)
- A plurality of idler rollers (20), at least three idler rollers
- A transverse drive system (30) having at least one transverse drive unit comprising:
  - A self-driven roller (34) positioned along one side of said walls and generally transverse to said idler rollers (¶0043)
- A plurality of drive members (82), at least three drive members

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- At least two tandem zones (12,14), each tandem zone comprising a motorized roller having an internal motor (§0043,0048)
- Said self-driven roller is beneath said idler rollers and orthogonal to said idler rollers (fig.1)
- Said idler rollers are orthogonal to said sidewalls (fig.1)
- A right angle transfer unit (62) having a plurality of belts (68) (§0047), wherein said belts are mounted to a movable portion (94,96)
- At least one biasing member (95) (§0049)

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5,6,9,10,20,21,26, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Troupos USPub 2002/0092734 (in view of Yu USP 4,746,003) in view of Isaacs USP 6,484,886.

Troupos discloses all the limitations of the claim (see ¶4,7), but does not expressly disclose the roller conveyor including at least one article sensor or said idler rollers skewed with respect to said sidewalls.

Isaacs teaches at least one article sensor (60) for the purpose of evaluating the count, size, and location of items processed through the system (C7/L62-67, C8/L1-19).

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At the time of invention it would have been obvious to one having ordinary skill in the art to employ at least one article sensor, as taught by Isaacs, in the device of Troupos, for the purpose of evaluating the count, size, and location of items processed through the system.

Isaacs teaches said idler rollers skewed with respect to said sidewalls (fig.14) for the purpose of rejecting items to be removed from the system entirely (C13/L45-54).

At the time of invention it would have been obvious to one having ordinary skill in the art to have said idler rollers skewed with respect to said sidewalls, as taught by Isaacs, in the device of Troupos, for the purpose of rejecting items to be removed from the system entirely.

Troupos further discloses the device wherein said self-driven roller is positioned generally parallel to said sidewalls.

7. Claims 19,22-25,28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Troupos USPub 2002/0092734 in view of Yu USP 4,746,003.

Troupos discloses all the limitations of the claim (see ¶4), but does not expressly disclose said rollers being independently operable.

Yu teaches rollers (18) being independently operable for the purpose of independently controlling each set of idle rollers (C4/L43-65).

At the time of invention it would have been obvious to one having ordinary skill in the art to have rollers independently operable, as taught by Yu, in the device of Troupos, for the purpose of independently controlling each set of idle rollers.

8. Claims 31,32,51,56,60,61,62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Troupos USPub 2002/0092734 (in view of Yu USP 4,746,003) in view of Kloosterhouse USP 4,962,841.

Troupos discloses all the limitations of the claim (see ¶4,7), but does not expressly disclose a rotational drive member driven by a rotational drive motor.

Kloosterhouse teaches a rotational drive member driven by a rotational drive motor for the purpose of providing an effective lifting means for a right-angle transfer unit (C3/L52-54).

At the time of invention it would have been obvious to one having ordinary skill in the art to employ a rotational drive member driven by a rotational drive motor, as taught by Kloosterhouse, in the device of Troupos, for the purpose of providing an effective lifting means for a right-angle transfer unit.

9. Claims 34,52,53,54,55,58, and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Troupos USPub 2002/0092734 (in view of Yu USP 4,746,003) (in view of Kloosterhouse USP 4,962,841) in view of Itoh USP 6,360,869.

Troupos discloses all the limitations of the claim (see ¶4,8), but does not expressly disclose said belts drivable via a second self-driven roller having an internal motor.

Itoh teaches said belts drivable via a second self-driven roller (40) having an internal motor (51) for the purpose of eliminating a large number of pulleys and external motors which occupy space.

At the time of invention it would have been obvious to one having ordinary skill in the art to employ said belts drivable with a second self-driven roller having an internal motor, as taught by Itoh, in the device of Troupos, for the purpose of eliminating a large number of pulleys and external motors which occupy space.

***Allowable Subject Matter***

10. Claims 33,57,63 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the



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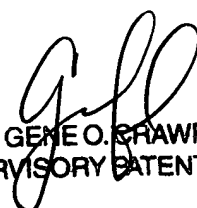
shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie A. Nicholson III whose telephone number is 571-272-5487. The examiner can normally be reached on M-F, 8:30 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on 571-272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
GENE O. CRAWFORD  
SUPERVISORY PATENT EXAMINER